

October 25, 2021

VIA EMAIL: Failla_NYSDChambers@nysd.uscourts.gov

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: Trujillo et al. v. SEM Construction, Inc., et al.
Docket No. 21-cv-00124-KPF

Dear Honorable Judge Failla,

Our office represents Plaintiffs Arnulfo Trujillo and Rafael Ramon Beltran in the above referenced matter.

We are writing to inform the Court that the parties have reached an agreement in principle and are now in the process of drafting the formal Settlement Agreement. As a result, the Parties are in agreement that there should be a 30 day stay or adjournment of the discovery deadlines to allow the drafting of the Settlement Agreement to be completed.

(i) The Original Due Date

In the current Scheduling Order, the deadline for the close of all fact discovery is November 19, 2021, and the deadline for the close of expert discovery is January 10, 2022.

(ii) The Number of Previous Requests for Adjournment or Extension of Time

This is the first request for a stay or adjournment of Discovery deadlines, and the first request related to settlement. There was a previous request for an extension to complete discovery.

(iii) Whether these Previous Requests Were Granted or Denied

The previous request was granted in part by Your Honor on October 5, 2021, allowing for a thirty-days extension of the parties' fact discovery deadline.

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(iv) The Reason for the Current Request

The parties have reached a tentative settlement concerning financial payment to settle this matter as of two days ago, October 20, 2021, and are now in the process of finalizing terms and drafting the formal Settlement Agreement.

(v) Whether the Adversary Consents, and, if not, the Reasons Given by the Adversary for Refusing to Consent

The counsel for the Defendants has consented to this request.

We thank Your Honor for the attention to this matter.

Sincerely,

/s/ Eliseo Cabrera

Eliseo Cabrera
Staff Attorney

/s/ Farrell Brody

Farrell Brody
Senior Staff Attorney

In light of the parties' settlement in principle, the Court will stay all deadlines for 30 days to give the parties time to finalize their agreement. If prior to November 25, 2021, the parties are able to formalize their settlement, the parties are to promptly inform the Court in writing. Thereafter, the Court will set a date on which the parties are to submit their materials for this Court's review of the fairness of the settlement agreement in accordance with the FLSA and Second Circuit law. See, e.g., *Cheeks v. Freeport Pancake House*, 796 F. 3d 199 (2d Cir. 2015).

However, if at the expiration of this 30 day period, the parties have not reached a formal settlement agreement, the Court directs the parties to file a joint status letter proposing a new discovery schedule.

The Clerk of Court is directed to stay this case, pending further order of the Court. The Clerk of Court is further directed to terminate the pending motion at docket entry 20.

Date: October 26, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE